

# Government Accountability Board

## State of Wisconsin

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### G.A.B. Dismisses Budget Repair Bill Complaints

MADISON, WI – The Government Accountability Board announced today it has examined and dismissed hundreds of complaints received in the wake of the controversy over the state budget repair bill earlier this year.

“Over the course of several weeks in February and March, the G.A.B. received hundreds of telephone calls and email messages complaining about tactics used by officials from both political parties in connection with events surrounding Governor Walker’s budget repair bill,” said Kevin Kennedy, director and general counsel. “The complainants asked the Board to take action to investigate and penalize elected officials for perceived unethical conduct.”

The Board has reviewed each of the complaints, and after serious consideration the Board voted unanimously to dismiss all of the complaints. The Board also voted to make a public statement and report about the disposition of the complaints, due to the high public interest in the subject.

In determining whether an investigation was warranted, the Board accepted the allegations of facts contained in the complaints as true. Even after viewing the complaints in this light, the Board dismissed each of them due to lack of reasonable suspicion that a violation of any law administered by the Government Accountability Board has occurred.

The complaints covered six general categories:

1. Allegations of illegal behavior related to the taped telephone call between Governor Walker and a blogger pretending to be David Koch.
2. Allegations Governor Walker and Senate Majority Leader Scott Fitzgerald misused state resources by ordering the Wisconsin State Patrol to locate missing Democratic State Senators.
3. Allegations regarding the adoption and implementation of Senate rules by Majority Leader Scott Fitzgerald and Republican Senators in the absence of Democratic Senators.
4. Allegations that Governor Walker and the Secretary of the Department of Administration had unlawfully restricted public access to the Capitol building.
5. Allegations that elected officials from both parties have used the budget repair bill debate to advance a political agenda.
6. Allegations that Senate Democrats unlawfully used funds from their respective campaign accounts, or gifts from supporters, to pay for lodging and meal expenses during their stay in Illinois.

Ethics and Accountability Division Administrator Jonathan Becker explained the Board's reasons for dismissing the complaints. "The Board's role is not to pass judgment on political actions or political positions," Becker said. "While the complaints characterized various actions of public officials as morally or politically 'unethical,' the Board's role in these cases is to enforce the specific provisions of the Ethics Code for State Public Officials, as well as the campaign finance laws, and the complaints did not describe actions violating those specific laws."

The Ethics Code prohibits conflicts of interest and officials' use of public office for private financial gain. It also regulates officials' acceptance of food, gifts and travel. "The Ethics Code does not prohibit use of office to take official actions that have political implications," Becker said.

Under state law, §5.05(2m)(c)4., Wis. Stats., the Board must dismiss a complaint if it fails to find that there is a reasonable suspicion that a violation of the laws under the Board's jurisdiction has occurred or is occurring.

"The G.A.B.'s charge is to determine whether an official's behavior is legal or illegal under specific laws," Kennedy said. "It is not to enforce what is perceived to be politically right or wrong, or to enforce statutes that are not under the Board's jurisdiction. Challenging actions of elected officials sometimes may be pursued through the legal system, but the ultimate remedy is at the ballot box."

A copy of the report, which details the complaints and the reasons for dismissal, is available online at <http://gab.wi.gov/complaints>. As required by Sections 5.05(5s) and 12.13(5) of the Wisconsin Statutes, the Board is prohibited from releasing copies of the complaints or other records related to its investigation.

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The Government Accountability Board (G.A.B.) is responsible for administration and enforcement of campaign finance, elections, ethics and lobbying laws in Wisconsin. The G.A.B. is made up of six non-partisan, former judges and is supported by an agency of non-partisan staff members.